
AMERICAN LEGISLATIVE EXCHANGE COUNCIL

MEMORANDUM

**TO: MEMBERS OF THE INTERNATIONAL RELATIONS TASK FORCE
AND FEDERAL RELATIONS WORKING GROUP**

FROM: KARLA JONES, TASK FORCE DIRECTOR

DATE: October 27, 2011

RE: 35 DAY MAILING—2011 STATES AND NATION POLICY SUMMIT

The American Legislative Exchange Council will host its 2011 States and Nation Policy Summit **November 30 – December 2** at the **Westin Kierland Hotel in Scottsdale, Arizona**. The **International Relations Task Force and Federal Relations Working Group** will meet from **2:00pm to 5:00pm** on **Friday, December 2**. In order to benefit from the early bird registration discount of \$50, you will need to register by **Monday, November 7, 2011**.

Increase Your State's Exports Workshop

There will be a workshop the afternoon of **Wednesday, November 30** that will provide state-specific advice on growing your economies by growing your exports. It should be an excellent program, and I strongly encourage all of you to attend!

New Private Sector Task Force Chair

I am thrilled to announce the appointment of **Ms. Brandie Davis** of **Philip Morris International** as our new private sector chair. Many of you will recall that she served in an interim capacity at the Annual Meeting in August, and her position became official late last month. Since joining the International Relations Task Force in January 2010, Brandie has been invaluable in helping us to diversify and grow our policy and to recruit new members. We appreciate her leadership and welcome her as private sector chair!

In preparation for the meeting, I've enclosed the following:

- Annual Meeting Agenda-at-a-Glance
- Registration and Housing Form for Attendees
- Registration and Housing Form for Spouse/Kids
- Scholarship Policies by Meeting
- Task Force Meeting *Tentative* Agenda
- Minutes from the Previous Task Force Meetings
- Drafts of Resolutions to Be Introduced
- ALEC Mission Statement
- ALEC Task Force Operating Procedures
- Other Items of Interest

Background materials on the Keystone XL issue appear below the resolutions. I'll forward you additional background materials on the other resolutions and presentations scheduled for the meeting as they become available. I look forward to seeing all of you next month, and if you have any questions or need anything further, do not hesitate to contact me at 202-742-8518 or by e-mail at kjones@alec.org.

1101 Vermont Avenue, NW, 11th Floor, Washington, D.C. 20005 ■ 202-466-3800 ■ Fax: 202-466-3801 ■
www.alec.org

STATES & NATION POLICY SUMMIT

PHOENIX, AZ
NOV. 30 - DEC. 2, 2011

Tuesday, November 29th

Joint Board of Directors Meetings

[Registration](#)

ALEC Joint Board Reception and Dinner

7:30 am – 5:00 pm

[12:00 pm – 5:00 pm](#)

6:00 pm – 9:30 pm

Wednesday, November 30th

[Registration](#)

Task Force Subcommittee Meetings

[Exhibits](#)

State Chairs Meeting

New Legislator Orientation

Opening Plenary Luncheon

Task Force Chairs Meeting

Workshops

Welcome Reception

[7:30 am – 5:00 pm](#)

8:00 am – 11:30 am

[9:00 am – 5:00 pm](#)

9:00 am – 11:00 am

10:15 am – 11:15 am

11:30 am – 1:15 pm

1:30 pm – 2:45 pm

1:30 pm – 4:15 pm

6:30 pm – 8:30 pm

Thursday, December 1st

[Registration](#)

Plenary Breakfast

[Exhibits](#)

Workshops

Plenary Luncheon

Task Force Meeting:

- Civil Justice
- Commerce, Insurance, and Economic Development
- Education
- Telecommunications and Information Technology

[7:30 am – 5:00 pm](#)

8:00 am – 9:15 am

[9:00 am – 5:00 pm](#)

9:30 am – 12:15 pm

12:30 pm – 2:15 pm

2:30 pm – 5:30pm

National Chairman's Reception, *by Invitation Only*

Gala Holiday Reception

Hospitality Suite

5:30 pm – 6:30 pm

6:30 pm – 8:30 pm

9:00 pm – 11:00 pm

Friday, December 2nd

Registration

7:30 am – 2:30 pm

Plenary Breakfast

8:00 am – 9:15 am

Exhibits

9:00 am – 5:00 pm

Workshops

9:30 am – 12:15 pm

Plenary Luncheon

12:30 pm – 1:45 pm

Task Force Meetings:

2:00 pm – 5:00 pm

- Energy, Environment and Agriculture
- Health and Human Services
- International Relations
- Public Safety and Elections
- Tax and Fiscal Policy

State Delegation Night

Beginning at 6:30 pm

2011 ALEC STATES AND NATION POLICY SUMMIT

November 30 – December 2, 2011

The Westin Kierland Hotel
6902 E. Greenway Parkway • Scottsdale, AZ 85254

STATES
&
NATION
POLICY SUMMIT

PHOENIX, AZ
NOV. 30 - DEC. 2, 2011

ATTENDEE REGISTRATION / HOUSING FORM

Early registration deadline: November 7, 2011

Housing cut-off date: November 7, 2011

Online
www.alec.org

Fax (credit cards only)
202.331.1344

Phone / Questions
Registration 202.742.8538 (Mon-Fri, 9am-5:30 pm Eastern)
Housing 1-866-716-8137 (Available 24/7)

ATTENDEE INFORMATION

Prefix (required) ☐ Sen ☐ Rep ☐ Del ☐ Mr ☐ Mrs ☐ Ms ☐ Other _____
Last Name _____ First Name _____ Middle Initial _____ Badge Nickname _____
Title _____
Organization (required) _____
Mailing Address ☐ Business ☐ Home _____
City _____ State/Province _____ Country _____ ZIP/Postal code _____
Daytime phone _____ Fax _____ Alternate phone _____
Email (confirmation will be sent by email) _____
Emergency Contact Name _____ Daytime Phone _____ Evening Phone _____
Dietary Restrictions _____
Spouse / Guest: If registering a spouse or guest, please complete the spouse/guest registration form.

REGISTRATION INFORMATION

Registration Fees

Note: Member fees are subject to verification

	Early Until Nov 7	Onsite Begin Nov 8	Daily
<input type="checkbox"/> ALEC Legislative Member	\$375	\$475	\$245
<input type="checkbox"/> Legislator / Non-Member	\$475	\$575	\$345
<input type="checkbox"/> ALEC Private Sector Member	\$725	\$875	\$445
<input type="checkbox"/> Private Sector Non-Member	\$925	\$1100	\$545
<input type="checkbox"/> ALEC Non-Profit Member (501(c)(3) status required)	\$525	\$625	\$345
<input type="checkbox"/> Non-Profit Non-Member (501(c)(3) status required)	\$675	\$825	\$445
<input type="checkbox"/> Legislative Staff / Government	\$400	\$500	\$245
<input type="checkbox"/> ALEC Alumni	\$425	\$525	\$295
<input type="checkbox"/> ALEC Legacy Member	\$0	\$0	\$0

For Daily Registration, circle which day: Wed Thur Fri

REGISTRATION FEE : \$ _____

(Subtract \$50 from your registration fee if you are booking at The Westin Kierland Hotel)

REGISTRATION CONFIRMATION INFORMATION Online registrants will receive immediate email confirmation. If registering by form, confirmation will be emailed within 72 hours of receipt of payment.

Note: Registration forms with enclosed payments must be received by November 7, 2011 to be eligible for early bird registration rates. Forms and/or payments received after November 7, 2011 will be subject to on-site registration rates.

DISCOUNT You are eligible for \$50 discount on registration fee if you are registering and booking accommodations in ALEC's room block at The Westin Kierland Hotel before November 7, 2011. Hotel reservations will be verified for those who receive discounted rate. If you receive a discount and later cancel your Westin room reservation, you will be charged (or you will be invoiced) for an additional \$50 for your registration fee after the meeting.

METHOD OF REGISTRATION PAYMENT

Credit Card: Credit cards will be charged immediately.

☐ Amer Express ☐ Visa ☐ MasterCard

Card # _____

Cardholder (please print) _____

Exp Date (mm/yy) ____/____ Signature _____

REGISTRATION CANCELLATION / REFUND INFORMATION Registrations cancelled prior to 5:00 pm Eastern November 7, 2011 are subject to a \$100 cancellation fee. Registrations are non-refundable after 5:00 pm Eastern November 7, 2011. Registration fees may be transferred from one registrant to another.

All refund requests must be made in writing and sent via email to meetings@alec.org or fax to 202-331-1344.

HOUSING

RESERVATION CUTOFF FOR ALEC DISCOUNTED RATE IS NOVEMBER 7, 2011

****Save \$50 on registration by booking your hotel room in ALEC's room block at The Westin Kierland Hotel****

☐ I do not require a reservation at this time.

Arrival Date _____ Departure Date _____

☐ Sharing room with _____

Room type

- ☐ Single (1 Adult) \$ 208
☐ Double (2 Adults) \$ 208
☐ Triple (3 Adults) \$ 258
☐ Quad (4 Adults) \$ 308

Suites and upgraded accommodations are available upon request. Please call 1-866-716-8137 for additional information.

Special requests

- ☐ ADA room required:
____ Audio ____ Visual ____ Mobile
☐ Rollaway / crib: _____
☐ Other: _____

METHOD OF HOUSING PAYMENT

☐ Please use the same method of payment as above.

Credit Card: Credit Cards will be used to guarantee the reservation.

☐ Amer Express ☐ Visa ☐ MasterCard ☐ Discover

Card # _____

Cardholder (please print) _____

Exp Date (mm/yy) ____/____ Signature _____

* All rates DO NOT include sales tax 12.27 % (subject to change)

Note: Cutoff for reservations at the ALEC rate is November 7, 2011. After November 7, 2011, every effort will be made to accommodate new reservations, based on availability and rate.

HOUSING CONFIRMATION INFORMATION

Online reservations will receive immediate email confirmation. Reservations received by form will be confirmed via email within 72 hours of receipt.

HOUSING CANCELLATION / REFUND INFORMATION

Credit cards will be charged one night room and tax in the event of a no show or if cancellation occurs within 72 hours prior to arrival. Please obtain a cancellation number when your reservation is cancelled.

2011 ALEC STATES AND NATION POLICY SUMMIT

November 30 – December 2, 2011


The Westin Kierland Hotel
6902 E. Greenway Parkway • Scottsdale, AZ 85254


STATES
&
NATION
POLICY SUMMIT

PHOENIX, AZ
Nov. 30 - Dec. 2, 2011

SPOUSE/GUEST REGISTRATION FORM

 **Online**
www.alec.org

 **Fax (credit cards only)**
202.331.1344

 **Phone / Questions** • Mon-Fri, 9am-5:30 pm Eastern
Registration: 202.742.8538

ATTENDEE INFORMATION IS REQUIRED TO REGISTER A SPOUSE OR GUEST

Last Name _____ First Name _____
Organization _____
Daytime phone _____
Email (Confirmation will be sent by email) _____

SPOUSE / GUEST REGISTRATION

SPOUSE / GUEST REGISTRATION GUIDELINES

1. Spouse / guest registration is meant to accommodate legal spouse and immediate family members.
2. Attendees from the same organization must register independently. No exception will be made.
3. Spouse / guest designation will be clearly visible on name badge.

Last Name _____ First Name _____ Middle initial _____ Badge Nickname _____
Last Name _____ First Name _____ Middle initial _____ Badge Nickname _____
Last Name _____ First Name _____ Middle initial _____ Badge Nickname _____

SPOUSE / GUEST REGISTRATION FEES

**Number of
Spouse/Guest(s)**

Fee

TOTAL

☐ Spouse / Guest *please note name(s) above* _____ \$ 150 \$ _____

METHOD OF SPOUSE / GUEST REGISTRATION PAYMENT

Credit Card: Credit cards will be charged immediately. Please fax to the above number for processing.

☐ Amer Express Card # _____
☐ Visa Cardholder (please print) _____
☐ MasterCard Exp Date (mm/yy) ____/____ Signature _____

REGISTRATION CONFIRMATION INFORMATION

Online registrants will receive immediate email confirmation. If registering by form, confirmation will be emailed within 72 hours of receipt of payment.

REGISTRATION CANCELLATION / REFUND INFORMATION

Registrations cancelled prior to 5pm Eastern November 7, 2011 are subject to a \$100 cancellation fee. Registrations are non-refundable after 5pm Eastern November 7, 2011.

SCHOLARSHIP POLICY BY MEETING

ALEC Spring Task Force Summit:

1. ***Spring Task Force Summit Reimbursement Form:*** ALEC Task Force Members are reimbursed by ALEC up to \$350.00 for travel expenses. Receipts must be forwarded to the ALEC Policy Coordinator and approved by the Director of Policy.
2. ALEC Task Force Members' room & tax fees for up to a two-night stay at the host hotel are covered by ALEC.
3. Registration fees are not covered; however, Task Force Members may submit registration expenses for payment from their state scholarship account upon approval of the State Chair.
4. *Official Alternate Task Force Members* (chosen by the State Chair and whose names are given to ALEC more than 35 days prior to the meeting to serve in place of a Task Force Member who cannot attend) are reimbursed in the same manner as Task Force Members.
5. ***State Scholarship Reimbursement Form:*** Any fees above the set limit, or expenses other than travel and room expenses can be submitted by Task Force Members for payment from their state scholarship account upon the approval of the State Chair. Receipts must be submitted to the State Chair, who will submit the signed form to the Director of Membership.
6. *Non-Task Force Members* can be reimbursed out of the state scholarship fund upon State Chair approval. Receipts must be submitted to the State Chair, who will submit the appropriate signed form to the Director of Membership.

ALEC Annual Meeting:

State Scholarship Reimbursement Form: State scholarship funds are available for reimbursement by approval of your ALEC State Chair. Expenses are reimbursed after the conference, and may cover the cost of travel, room & tax, and registration. Receipts are to be submitted to the State Chair, who will then submit the signed form to the Director of Membership.

ALEC States & Nation Policy Summit:

1. ***States & Nation Policy Summit Reimbursement Form:*** ALEC offers two scholarships per state to cover the cost of travel, room & tax, and registration not to exceed \$1,000.00 per person for a total of \$2,000.00 per state. ALEC scholarship recipients must be named by the ALEC State Chair. Expenses are submitted to the State Chair and reimbursed after the conference. The State Chair submits the signed form to the Director of Membership.
2. ***State Scholarship Reimbursement Form:*** Any other fees or payments must come out of the state scholarship account, with the approval of the State Chair. Receipts must be submitted to the State Chair, who submits the signed form to the Director of Membership.

ALEC Academies:

Academy Reimbursement Form: Attendees of ALEC Academies are reimbursed by the Task Force Committee hosting the Academy. Attendees will receive a form at the Academy, and will be reimbursed up to \$500.00 for travel, and room & tax fees for a two-night stay by ALEC. Receipts must be forwarded to the appropriate Task Force Director and approved by the Director of Policy.



**Meeting of the
International Relations Task Force
and
Federal Relations Working Group**
States and Nation Policy Summit/Scottsdale, AZ
Friday, December 2, 2011
2:00 p.m. – 5:00 p.m.

Public Co-Chair: Representative Harold Brubaker (NC)
Private Co-Chair: Ms. Brandie Davis (Philip Morris International)
Task Force Director: Karla Jones (ALEC)

TENTATIVE AGENDA

Welcome and Introductions

Approval of the Minutes from the Annual Meeting

Task Force Update

Representative Harold Brubaker and Ms. Brandie Davis (IRTF Co-Chairs)

Federal Relations Working Group

Presentation: Are we not a state?

Representative Ken Ivory (UT)

“Disposal and Taxation of Public Lands Act”

Representative Ken Ivory (UT)

“Consultation Resolution”

Representative Harold Brubaker (NC)

International Relations Task Force

Presentation: The Protect IP Act

TBD

“Resolution on Rogue Internet Sites”

Andrew Kovalcin (Global Intellectual Property Center)

Presentation: Conservative Party Conference in Manchester, UK

Representative Tim Moffitt (NC)

Presentation: Keystone XL – A Critical Project for America

Mr. Michael Whatley (Consumer Energy Alliance)

“Resolution in Support of the Keystone XL Pipeline”

Ms. Brandie Davis (Philip Morris International)

Presentation: Making Trade Translate into Jobs and Economic Growth for Your State

Mr. Michael Ciamarra (CEO, Ciamarra Policy Group)



**Minutes from the
International Relations Task Force Meeting
Federal Relations Working Group**

Annual Meeting, New Orleans, LA
Thursday, August 4, 2011 – Louisiana Gallery 4
2:30 p.m. – 5:30 p.m.

Public Chair: Representative Harold Brubaker (NC)
Acting Private Chair: Brandie Davis (Philip Morris International)
Task Force Director: Karla Jones

Welcome and Introduction

Representative Harold Brubaker (NC) and **Ms. Brandie Davis** welcomed everyone and called the meeting to order.

Speakers and Discussion

Paula Caldwell St-Onge (Canadian Consulate in Dallas, TX) made a presentation on **Energy and Economic Competitiveness**, discussing economic competitiveness, defense, and energy security. She noted the importance of Canada as an export-import market and being America's largest trading partner with 48 of the 50 states. Canada provides the largest supply of crude oil and refined petroleum products totaling over 2.5 billion barrels per day. Canada also provides the largest supply of natural gas, uranium, and electricity. However, the Alberta sand reserves represent the third largest natural supply of oil in the world and highlight the need for the Keystone XL Pipeline from Alberta to Texas. This would also help North Dakota increase its production in the growing Bakken formation to over 1 million barrels a day. Further, it represents an investment in American jobs for the construction process.

NORAD cooperation was highlighted by Ms. St-Onge with radar and aircraft cooperation.

Shared vision for Perimeter Security and Economic Competitiveness was also mentioned. This is a new declaration of a newfound partnership to accelerate the exchange of goods

and people along with a new Regulatory Cooperation Council to try to streamline regulations. She also mentioned projects such as the replacement/new bridge span for Detroit to alleviate congestion on the Ambassador Bridge.

Mr. Mark Elliot (Executive Vice President, Global Intellectual Property Center) gave a presentation on the **Erosion of Intellectual Property**, discussing the importance of protecting intellectual property rights (IPR) as a means of enhancing economic growth and fostering innovation. Over 19 million Americans are directly employed in the IP field, and this number increases substantially when indirect industry employees are included. IP in the US is worth over \$7.7 trillion annually and accounts for over 60% of US exports. Over 2.5 million jobs have been lost in G20 economies to piracy and counterfeiting just last year and has cost the global economy over \$650 billion a year. Online theft alone accounts for over \$135 billion. The US government cannot control counterfeit sites registered to servers overseas, however the *Protect IP Legislation* before Congress right now goes a long way to providing the ability to close down these counterfeit sites.

Mr. Andrew Kovalcin (Global Intellectual Property Center) introduced a **Resolution to Counter Rogue Internet Sites** which calls on Congress to pass the *Protect IP* legislation currently before it.

The resolution passed unanimously.

Ms. Brandie Davis (Philip Morris International) introduced a **Hard Science Resolution** which requires that any regulations be based on hard scientific evidence. Many regulations and laws are being made which are not based in scientific fact. This resolution encourages that all laws and regulations be based on hard science.

An amendment was proposed which passed to amend an amendment to Line 34. This amendment extended the resolution to include all G20 members, but failed.

The resolution passed, gaining 19 votes in favor and 6 opposed in the public sector, and 2 votes in favor and 1 opposed in the private sector.

Ms. Brandie Davis (Philip Morris International) introduced a **Resolution Upholding Longstanding Policy Maintaining Agriculture Commodities and Product Comprehensiveness of US Trade Agreements**. The Obama administration has been leaving tobacco products off the negotiating table in trade agreements from the very start, setting a dangerous precedent against standard commodities and product comprehensiveness practices and laws according to Ms. Davis.

Public Sector unanimously in favor of the resolution and Private Sector, 3 in favor, 1 opposed. **The resolution passed.**

The Honorable Michal Kaminski (Member, European Parliament and ALEC International Legislator) introduced a **Resolution in Support of Deepening Euro-**

Atlantic Integration of the Republic of Moldova. The Republic of Moldova has a democratically elected government, but is facing great pressures to deepen ties with Russia – from Russia. The Honorable Mr. Kaminski suggests that sending a signal through such a resolution that the West and America is still supporting the area would go a long way toward helping the Republic of Moldova resist Russian pressure.

The resolution passed in the Public Sector with 30 in favor; 3 opposed and passed the Private Sector with 3 in favor; 1 opposed.

The Honorable Roger Helmer (Member, European Parliament and ALEC International Legislator) presented a **Resolution against EU Funding of NGOs.** The European Union has been spending roughly \$384 million in the United States lobbying for certain policy issues.

The resolution passed with the Public Sector voting 23 in favor; 3 opposed and the Private Sector voting 3 in favor; 1 opposed.

Representative Tim Moffitt (NC) introduced a **Resolution Opposing World Bank Lending to Argentina.** Argentina owes more than \$3.5 billion to the United States government. This resolution supports Congressional efforts to halt lending additional money to Argentina and other nations with outstanding balances to foreign nations.

The resolution was amended to explicitly refer to Argentina only.

The amended resolution passed unanimously among both the public and private sectors.

Mr. Yeong-jainn “Jeff” Liu (Taipei Economic & Cultural Representative Office) made a presentation about the fairness and importance of Taiwan being added to the US Visa Waiver Program. **Representative Liston Barfield (SC)** presented a **Resolution in support of Visa Waiver Status for Taiwan.** Taiwan has made enormous strides in documentation security for citizens and is a strong trading ally of the United States.

The Resolution passed unanimously among both the public and private sectors.

Mr. Nick Dranias (Goldwater Institute – Phoenix, AZ) gave a presentation on a **Three Step Plan for Restoring State Sovereignty.** Included in the presentation were the three following topics and resolutions relating to each topic:

A Sovereign State Interstate Compact

Constitutional Defense Council Legislation

Sovereign State Interstate Compact

A motion was made and passed to bundle all three pieces of legislation together to be voted on as a whole.

The Bundle passed unanimously among public sector members.

Representative Ken Ivory (UT) gave a presentation entitled “**Where’s the Line? How States Protect the Constitution.**” Representative Ivory discussed various problems posed by current issues in the federal government posed by national encroachment on states’ spheres of power.

Representative Christopher Herrod (UT) introduced a **Federal Law Evaluation and Response Act.**

The Act passed unanimously among the public sector members.

Disposal and Taxation of Public Lands Act

WHEREAS, in 1780, the United States Congress resolved that “the unappropriated lands that may be ceded or relinquished to the United States, by any particular states, pursuant to the recommendation of Congress of the 6 day of September last, shall be granted and disposed of for the common benefit of all the United States that shall be members of the federal union, and be settled and formed into distinct republican states, which shall become members of the federal union, and have the same rights of sovereignty, freedom and independence, as the other states: . . . and that upon such cession being made by any State and approved and accepted by Congress, the United States shall guaranty the remaining territory of the said States respectively. . . . That the said lands shall be granted and settled at such times and under such regulations as shall hereafter be agreed on by the United States in Congress assembled, or any nine or more of them”; and

WHEREAS, under these express terms of trust, the land claiming states, over time, ceded their western land to their confederated Union and retained their claims that the confederated government dispose of such lands to create new states “and for no other use or purpose whatsoever” and use the proceeds of any sales of such lands only for the purpose of paying down the public debt; and

WHEREAS, by resolution in 1790, the United States Congress declared “That the proceeds of sales which shall be made of lands in the Western territory, now belonging or that may hereafter belong to the United States, shall be, and are hereby appropriated towards sinking or discharging the debts for the payment whereof the United States now are, or by virtue of this act may be holden, and shall be applied solely to that use, until the said debt shall be fully satisfied”; and

WHEREAS, in 1833, referring to these land cession compacts which arose from the original 1780 congressional resolution, President Andrew Jackson stated, “These solemn compacts, invited by Congress in a resolution declaring the purposes to which the proceeds of these lands should be applied, originating before the constitution, and forming the basis on which it was made, bound the United States to a particular course of policy in relation to them by ties as strong as can be invented to secure the faith of nations”; and

WHEREAS, with respect to the disposition of the federal territorial lands, the Northwest Ordinance of July 13, 1787 provides, “The legislatures of those districts or new States, shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the bona fide purchasers”; and

WHEREAS, the United States Supreme Court, in *Downes v. Bidwell*, 182 U.S. 244, 1901, stated, “The question of territories was dismissed with a single clause, apparently applicable only to the territories then existing, giving Congress the power to govern and dispose of them”; and

47 **WHEREAS**, the territorial and public lands of the United States are dealt with in
48 Article IV, section 3, clause 2 of the United States Constitution, referred to as the
49 Property Clause, which states, “The Congress shall have power to dispose of and make
50 all needful rules and regulations respecting the territory or other property belonging to the
51 United States.” And

52
53 **WHEREAS**, with this clause, the Constitutional Convention agreed that the
54 Constitution would maintain the “status quo” that had been established with respect to the
55 federal territorial lands being disposed of only to create new states with the same rights of
56 sovereignty, freedom, and independence as the original states; and

57
58 **WHEREAS**, in 1828, United States Supreme Court Chief Justice John Marshall, in
59 American Ins. Co. v. 356 Bales of Cotton, 26 U.S. 511, 1828 said, “At the time the
60 Constitution was formed, the limits of the territory over which it was to operate were
61 generally defined and recognised (sic). These limits consisted in part, of organized states,
62 and in part of territories, the absolute property and dependencies of the United States.
63 These states, this territory, and future states to be admitted into the Union, are the sole
64 objects of the Constitution; there is no express provision whatever made in the
65 Constitution for the acquisition or government of territories beyond those Limits;” and

66
67 **WHEREAS**, in Shively v. Bowlby, 152 U.S. 1, 1894, the U.S. Supreme Court confirmed
68 that all federal territories, regardless of how acquired, are held in trust to create new
69 states on an equal footing with the original states when it stated, “Upon the acquisition of
70 a territory by the United States, whether by cession from one of the states, or by treaty
71 with a foreign country, or by discovery and settlement, the same title and dominion
72 passed to the United States, for the benefit of the whole people, and in trust for the
73 several states to be ultimately created out of the territory;” and

74
75 **WHEREAS**, the Enabling Act of {insert state} states, in part, that until the title to the
76 unappropriated public lands lying within the state’s boundaries, and to all land owned or
77 held by any Indian or Indian tribes “shall have been extinguished by the United States,
78 the same shall be and remain subject to the disposition of the United States, and said
79 Indian lands shall remain under the absolute jurisdiction and control of the Congress of
80 the United States; that no taxes shall be imposed by the State on lands or property therein
81 belonging to or which may hereafter be purchased by the United States or reserved for its
82 use”; and

83
84 **WHEREAS**, the Enabling Act states further “That five per centum of the proceeds of the
85 sales of public lands lying within said State, which shall be sold by the United States
86 subsequent to the admission of said State into the Union, after deducting all the expenses
87 incident to the same, shall be paid to the said State, to be used as a permanent fund, the
88 interest of which only shall be expended for the support of the common schools within
89 said State”; and

90
91 **WHEREAS**, at the time of the Enabling Act the course and practice of the United

92 States Congress with all prior states admitted to the Union had been to fully dispose,
93 within a reasonable time, all lands within the boundaries of such states, except for those
94 Indian lands, or otherwise expressly reserved to the exclusive jurisdiction of the United
95 States; and

96
97 **WHEREAS**, the state of {insert state} did not, and could not have, contemplated or
98 bargained for the United States failing or refusing to dispose of all lands within its
99 defined boundaries within a reasonable time such that the State of {insert state} and its
100 Permanent Fund for its Common Schools could never realize the bargained-for benefit of
101 the deployment, taxation, and economic benefit of all the lands within its defined
102 boundaries; and

103
104 **WHEREAS**, the 1934 Taylor Grazing Act declared that “In order to promote the highest
105 use of the public lands pending its final disposal, the Secretary of the Interior is
106 authorized, in his discretion, by order to establish grazing districts or additions thereto
107 and/or to modify the boundaries thereof, of vacant, unappropriated, and unreserved lands
108 from any part of the public domain of the United States (exclusive of Alaska [and other
109 territorial exclusions]) . . . Nothing in this subchapter shall be construed . . . as limiting or
110 restricting the power or authority of any State as to matters within its jurisdiction”; and

111
112 **WHEREAS**, in 1976, after nearly 200 years of trusting history regarding the obligation
113 of Congress to dispose of western lands to create new states and use the proceeds to
114 discharge its public debts, the United States Congress stated in the Federal Land Policy
115 Management Act, “By this Act, Congress declares that it is the policy of the United
116 States that the public lands be retained in Federal ownership, unless ... it is determined
117 that disposal of a particular parcel will serve the national interest”; and

118
119 **WHEREAS**, in a unanimous 2009 decision, the United States Supreme Court, in
120 *Hawaii v. Office of Hawaiian Affairs*, stated, “. . . [a subsequent act of Congress] would
121 raise grave constitutional concerns if it purported to ‘cloud’ Hawaii’s title to its sovereign
122 lands more than three decades after the State’s admission to the Union. We have
123 emphasized that ‘Congress cannot, after statehood, reserve or convey submerged lands
124 that have already been bestowed upon a State.’ . . . ‘[T]he consequences of admission are
125 instantaneous, and it ignores the uniquely sovereign character of that event ... to suggest
126 that subsequent events somehow can diminish what has already been bestowed’. And that
127 proposition applies a fortiori [with even greater force] where virtually all of the State’s
128 public lands . . . are at stake;” and

129
130 **WHEREAS**, from 1780 forward it is unmistakable that the federal government only held
131 bare legal title to the western public lands as a trustee in trust to dispose of them to create
132 new states and to use the proceeds to pay the public debt; and

133
134 **WHEREAS**, the Federal Government abided by these express trust obligations to the
135 eastern edge of Colorado and then with Hawaii; and

137 **WHEREAS**, the Federal Government has failed to abide by the terms of its preexisting
138 obligations from the eastern edge of Colorado to the west coast and Alaska; and
139

140 **WHEREAS**, {insert state} has been damaged by more than 115 years of federal
141 entanglements to its lands; and
142

143 **WHEREAS**, {insert state} should have had control over its lands from 1896, plus a
144 reasonable time for disposition; and
145

146 **WHEREAS**, {insert state} has been substantially damaged in its ability to provide
147 funding for education because the federal government has unduly retained control of
148 nearly 70 percent of land within its borders; and
149

150 **WHEREAS**, {insert state} has been damaged in lost property tax revenues to which the
151 state was entitled; and
152

153 **WHEREAS**, {insert state} has been damaged in mineral lease revenues and severance
154 taxes, which the Federal Government usurped without authority and in breach of its
155 express trust obligations; and
156

157 **WHEREAS**, {insert state} has been damaged by the uncertainty regarding the sovereign
158 control of its land and damaged by the loss of the economic multiplier effect over the use
159 of its lands; and
160

161 **WHEREAS**, in light of these circumstances, the United States Congress disposed of
162 lands within the boundaries of Hawaii directly to the state of Hawaii pursuant to it
163 enabling act; and
164

165 **WHEREAS**, because of these entanglements and the breach of the Enabling Act and the
166 damage resulting from it, the United States Congress should engage in good faith
167 communication, cooperation, coordination, and consultation with the state of {insert
168 state} to dispose directly to the state certain public lands where the public has developed
169 a reasonable expectation of multiple use; and
170

171 **WHEREAS**, in the past, the Federal Government disposed of lands to persons with a
172 logical nexus to the lands, including homestead claims, mining, timber, and grazing
173 claims, the state of {insert state} expects that the United States Congress will do the same
174 with respect to any lands not ceded directly to the state; and
175

176 **WHEREAS**, the Federal Government has an obligation, to present and all future
177 generations, to pay the public debt, yet has demonstrated an inability to reduce the
178 growing national debt even as it continues to worsen at an exponential rate.
179

180 **NOW, THEREFORE, BE IT RESOLVED** that the Legislature of the state of {insert
181 state} strongly urges the Federal Government to use proceeds from the sale of lands not
182 disposed directly to the state only to pay the public debt pursuant to the Congressional

Resolutions of 1780 and 1790 and the language of the Andrew Jackson veto of the lands bill that sought to use proceeds for some other purpose than this solemn compact obligation over the western public lands.

BE IT FURTHER RESOLVED that the Legislature of the state of {insert state} urges the United States Congress in the most strenuous terms to engage in good faith communication, cooperation, coordination, and consultation with the state of {insert state} regarding those lands wherein the public has developed a reasonable expectation of multiple use that must be disposed of directly to the state.

BE IT FURTHER RESOLVED that the United States Congress should only dispose of lands not ceded to the state to persons with a logical nexus to the lands, including homestead claims, mining, timber, and grazing claims.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the United States Department of the Interior, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the members of the congressional delegation of {insert state}, and the Governors, Senate Presidents, and Speakers of the House of the 49 other states.

BE IT ENACTED:

Section 1. Definitions. As used in this chapter:

(A) "Net proceeds" means the proceeds from the sale of public lands, after subtracting expenses incident to the sale of the public lands.

(B) "Public lands" means lands within the exterior boundaries of this state except:

- (1) lands to which title is held by a person who is not a governmental entity;
- (2) lands owned or held in trust by this state, a political subdivision of this state, or an independent
- (3) lands reserved for use by the state system of public education
- (4) school and institutional trust lands
- (5) national parks
- (6) lands ceded to the United States
- (7) lands, including water rights, belonging to an Indian or Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States

Section 2. Disposal and taxation of public lands.

(A) On or before December 31, 2014, the United States shall sell public lands.

(B) The United States shall pay to this state 5 percent of the net proceeds of the sale of public lands.

(C) The amounts described in Subsection (B) shall be deposited into the permanent State School Fund.

(D) Beginning on January 1, 2015, public lands that the United States has not sold as of December 31, 2014, are subject to property taxation.

Section 3. Federalism Subcommittee study.

(A) the legislature creates a Federalism Subcommittee to study:

- (1) procedures and requirements for subjecting public lands that the United States has not sold as of December 31, 2014, to property taxation, including the creation of a lien and the seizure and sale of the public lands;
- 2) the definition of "public lands", including whether to address as part of the definition interests, rights, or uses related to:

- (a) easements;
- (b) geothermal resources;
- (c) grazing;
- (d) mining;
- (e) recreation;
- (f) rights of entry;
- (g) special uses;
- (h) timber;
- (i) water; or
- (j) other natural resources;

(3) the determination of what constitutes expenses incident to the sale of public lands; and

(4) issues related to [National Parks, National Monuments, National Recreation Areas, etc].

(B) The Federalism Subcommittee may study any other issue related to the disposal and taxation of public lands as determined by the subcommittee.

(C) The Federalism Subcommittee shall report its findings and recommendations

1 **Resolution Requesting the Obama Administration Confer and Consult**
2 **with the States on Management of Public Lands and Energy Resources**

3 **Whereas,** Management of public lands and energy resources has a direct fiscal impact on
4 state economies and state budgets; and

5 **Whereas,** Public lands should be managed to encourage environmentally responsible
6 energy development and further restrictions to energy development on public lands are
7 not only unnecessary, but also increase the United States' reliance on foreign energy
8 sources; and

9 **Whereas,** State governments and regulatory agencies are best positioned to address the
10 unique management needs of local resources; and

11 **Whereas,** Cost-benefit and job-impact analyses are required in many states before new
12 state rules or regulations are adopted; and

13 **Whereas,** Regulations and federal mandates are stifling the economy, resulting in lost
14 opportunities to create jobs; and

15 **Whereas,** Court settlements between the Obama Administration and environmental
16 groups are severely limiting the ability for states to manage lands and resources within
17 their borders; and

18 **Whereas,** Seventeen Governors have voiced their concerns to President Obama about the
19 over-reaching nature of proposed rules and draft guidance that erodes traditional state
20 authority;

21 **Therefore be it resolved:** The American Legislative Exchange Council requests
22 Congress and the Administration to acknowledge and respect the role of states in a
23 federal constitutional republic.

24 The United States Congress, which represents the interests of the states individually and
25 collectively, is the appropriate public body to determine management of resources within
26 a state's borders.

27 ALEC further calls on Congress and the Administration to commit to greater consultation
28 with the states and to recognize cost-benefit and job-impact analyses must be addressed
29 in order to understand how federal regulations impact states and their respective citizens.

30

**A Resolution in Support of Federal Efforts to Address Rogue Internet Sites
that Sell Counterfeit Products and Facilitate Digital Theft**

WHEREAS, industries that create intellectual property are essential to the economic competitiveness of the United States and represent the only economic sector in which the United States has a trade surplus with every nation in the world; and

WHEREAS, the United States and all countries share the challenge of combating counterfeiting and piracy of intellectual property, including illicit trade in pharmaceutical drugs, cutting edge technologies, film, music, books, and inventions that affect the quality of life; and

WHEREAS, counterfeiting and piracy have a significant impact on economies around the world, which translate into lost jobs, lost earnings, and lost tax revenues, and threaten public health and safety; and

WHEREAS, the sale of counterfeit products– such as fake pharmaceuticals, medical devices, auto and electrical parts, and many others – on rogue websites not only poses a real danger to consumer health and safety but also undermines sectors of our national and state economies that have historically provided secure, well-paying jobs; and

WHEREAS, increasingly, consumers are lured to sophisticated websites that appear legitimate but are in fact devoted almost exclusively to offering or linking to unauthorized downloads or streaming of copyrighted material – including the latest movies and music hits – or to trafficking in counterfeit products, from pharmaceutical drugs to luxury goods; and

WHEREAS, rogue websites that offer counterfeit and pirated goods attract millions of visitors, have accumulated billions of dollars of revenues and also threaten legitimate online sources; and

WHEREAS, many rogue websites that offer counterfeit and pirated goods are hosted overseas, which makes it difficult for U.S.-based intellectual property rights holders and U.S. law enforcement to take effective action against them.

NOW, THEREFORE LET IT BE RESOLVED, that the State of [insert state] recognizes the importance of intellectual property and the evolving challenges and serious threats to its protection, which affect prospects for future growth of the United States economy; and

BE IT FURTHER RESOLVED, that the State of [insert state] supports robust and ongoing efforts to protect the health and well-being of citizens in the United States from illegal counterfeiting and piracy; and

BE IT FURTHER RESOLVED, that the State of [insert state] supports efforts to enact legislation addressing enforcement by state and federal authorities to protect intellectual property rights to combat rogue websites that traffic in pirated music, movies and counterfeit goods and make it more difficult for rogue websites to operate; and,

44 BE IT FURTHER RESOLVED, that the Secretary of State, or equivalent, of [insert state]
45 forward this resolution to Members of Congress, the Administration, and the relevant federal
46 agencies.

Resolution in Support of the Keystone XL Pipeline

BE IT RESOLVED BY THE [INSERT LEGISLATIVE BODY] OF THE STATE OF [INSERT STATE]:

WHEREAS, The United States relies – and will continue to rely for many years – on gasoline, diesel and jet fuel despite the recent focus on renewable and alternative sources of energy. In order to fuel our economy, the United States will need more oil and natural gas while also requiring additional alternative energy sources such as ethanol and other renewable energy sources; and

WHEREAS, The United States currently depends on foreign imports for more than half of our petroleum usage. As the largest consumer of petroleum in the world, our dependence on overseas oil has created difficult geopolitical relationships with damaging consequences for our national security; and

WHEREAS, oil shale deposits in the Bakken Reserves in Montana and North Dakota and South Dakota are an increasingly important crude oil resource, with an estimated 11 billion barrels of recoverable crude oil, and there is not enough pipeline capacity for crude oil supplies from Montana, North Dakota, South Dakota, Oklahoma and Texas to American refineries; and

WHEREAS, Canadian oil reserves contain an estimated 173 billion barrels of recoverable oil. Canada is the single largest supplier of oil to the United States at 2.62 million barrels per day and has the capacity to significantly increase that rate; and

WHEREAS, the Keystone XL pipeline will, when completed, carry 700,000 barrels of North American oil to American refineries in the Gulf Coast region and construction of the project will create 120,000 jobs nationwide, create \$20 billion in economic growth and generate millions of dollars worth of government receipts; and

WHEREAS, A recent study by the U.S. Department of Energy found that increasing delivery to American refineries from Montana, North Dakota, South Dakota and Alberta, as well as Texas and Oklahoma to American refineries has the potential to substantially reduce our country's dependency on sources outside of North America; and

WHEREAS, Canada sends more than 99% of its oil exports to the United States, the bulk of which goes to Midwestern refineries. Oil companies are investing huge sums to expand and upgrade refineries in the Midwest and elsewhere to make gasoline and other refined products from Canadian oil derived from oil sands. The expansion and upgrade projects will create many new construction jobs over the next five years and, in [INSERT STATE], substantially add to our state's gross state product; and

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10
11
12

WHEREAS, The same money used to buy North American oil will likely later be spent directly on U.S. goods and services in contrast with the money sent to hostile oil-producing governments that is later used to further anti-democratic agendas. Supporting the continued shift towards reliable and secure sources of North American oil is of vital interest to the United States and the state of [INSERT STATE].

13

NOW THEREFORE BE IT RESOLVED, That we, the members of the [INSERT LEGISLATIVE BODY] of the state of [INSERT STATE], support continued and increased development and delivery of oil derived from North American oil reserves to American refineries, urge Congress to support that continued and increased development and delivery, and urge Congress to ask the U.S. Secretary of State to approve the Keystone XL pipeline project that has been awaiting a presidential permit since 2008 to reduce dependence on unstable governments, improve our national security, and strengthen ties with an important ally; and

14

BE IT FURTHER RESOLVED, That the Clerk of the [INSERT STATE LEGISLATIVE BODY] transmit duly authenticated copies of this resolution to the Speaker and Clerk of the United States House of Representatives, to the President Pro Tempore and Secretary of the United States Senate, to the members of the [INSERT STATE] Congressional delegation, and to the news media of [INSERT STATE].

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16
17

Keystone XL – A Critical Project for America

By: Michael Whatley, Executive Vice President of the Consumer Energy Alliance

*This article appears in the November/December 2011 issue of **Inside ALEC**.*

The US Department of State is currently deciding whether to grant a permit to allow TransCanada to build the Keystone XL pipeline that will carry oil from Alberta, Canada to Gulf Coast refineries in Texas on a route that will traverse Montana, the Dakotas and Oklahoma, among other states. The project has gained a lot of attention both because of those who support it (unions, the business community and energy consumers) and those who oppose it (environmental activists and a bevy of actors and actresses including Danny Glover and Daryl Hannah). And in the case of its supporters, Keystone XL has managed to forge an unlikely coalition of interests from across the political spectrum!

The Consumer Energy Alliance (CEA) is strongly in favor of the Keystone XL pipeline because, in addition to being the safest pipeline ever built, it will create thousands of jobs, strengthen the American economy and lower prices at the pump.

After studying the proposed pipeline for over three years, the State Department has concluded that it will be the safest pipeline ever constructed. State's extensive environmental review of Keystone affirms that it will "have a degree of safety over any other typically constructed oil pipeline under current code and a degree of safety along the entire length of the pipeline system similar to that which is required in High Consequence Areas (HCAs)." The State Department also studied over a dozen routes for the pipeline and found that the current one is the safest and that the alternatives would "disturb more land and cross more bodies of water than the proposed route." Despite the heated controversy surrounding the pipeline's course over the Ogallala Aquifer, the State Department concluded that there was no scenario in which the aquifer would be at risk. In its report, State noted that 25,000 miles of pipeline already cross the Ogallala and that pipelines are the safest, most efficient way to transport oil. Further, Keystone XL will be built with state-of-the-art technology reducing the risk to a negligible level.

Keystone XL will produce a wide range of economic benefits to the United States. The pipeline will create more than 120,000 jobs across the country (including 20,000 in manufacturing construction), will generate hundreds of millions in federal, state and local taxes and will create \$20 billion in economic growth nationwide. These are revenues that can go to improving our public schools, roads and hospitals.

The Keystone XL Pipeline project also has energy security benefits. The 700,000 barrels of oil per day that this pipeline will bring to Gulf Coast refineries will be coming from Canada – our neighbor, closest ally and largest trading partner. This oil supply will not be affected by violent revolutions like those that took place in Egypt and Libya and will not be used as a political weapon as we have seen happen with Russian energy. It is significantly less expensive than oil from the Persian Gulf and will help drive down fuel prices for both military and civilian consumers.

In order to grant the permit that will allow the pipeline to cross between Alberta and Montana, the State Department must determine whether the project is "in the national interest" and anticipates doing this before the end of the year. At a time when the unemployment rate remains stubbornly high and the economy remains

stubbornly weak, CEA strongly believes that granting a permit which will create tens of thousands of jobs, give a shot in the arm to the American economy and significantly reduce our pain at the pump – all while protecting the environment by incorporating the strongest safety measures ever built into a pipeline – is certainly in the national interest.

THE GLOBE AND MAIL 



File photo of the Keystone pipeline construction project.

TransCanada

Financial Times

Canada needs to end crude reliance on U.S.

Javier Blas

The Financial Times

Posted on Tuesday, July 26, 2011 6:56AM EDT

Javier Blas is commodities editor at the Financial Times

Canada's oil industry urgently needs an export route that cuts its reliance of its sole customer: the United States.

The search is becoming urgent as the price of the low quality heavy, sour Western Canadian Select crude, a regional benchmark, plunges against other oil yardsticks due to lack of storage, inadequate pipelines and an emerging oil glut in the U.S. Midwest.

Canada has significantly boosted its production over the last decade as companies have developed Alberta province's oil sands. From 2.7 million barrels a day in 2000, output surged to 3.4 million b/d last year.

But almost all the increase has flowed into the congested U.S. Midwest. When supply overwhelms demand in the area, oil production starts to back up all the way from the U.S. into Western Canada, until the storage hub of Hardisty in Alberta fills up. When that happens -- as it did during several weeks of the the winter and spring of 2010 -- WCS prices collapse relative to other benchmarks and producers have to shut in.

So far, attention has focused on TransCanada's proposed 700,000 barrels a day pipeline extension called "Keystone XL" as a way to by-pass the Midwest and reach the critical U.S. refining hub of the Gulf of Mexico by 2013. The proposal, which faces environmental approval delays, would ease the problems. But it would not resolve Canada's reliance on the U.S. market.

What politicians have realized is that Canada urgently needs to reach the so-called "waterborne" or "tidewater" market. In other words, it needs to pipe oil to a point where it can meet super-tankers to ship it across the Pacific into the energy-hungry markets of Asia.

Thus, Canadian political and business interest is now shifting in favour of another project: the 525,000 b/d Northern Gateway Enbridge pipeline from near Edmonton to Kitimat, B.C..

Joe Oliver, Canada's federal natural resources minister, has recently said that opening up a new supply route to Asian markets, which Northern Gateway would serve, will cut Canada's reliance on the U.S.

"Asia is growing - China in particular is now the largest consumer of energy in the world - and so we are supportive specifically of the Gateway project because it will open up exports to Asia and to China," Oliver said, according to Reuters newswire.

Analysts believe that selling Western Canada's oil to Asia would make economic sense as the industry is likely to achieve higher prices than in the U.S.. Until now, WCS is sold at a discount against West Texas Intermediate. For years, the U.S. benchmark traded at more or less at the same level as other yardsticks, such as Brent or Dubai. But over the last two years WTI has itself fallen to a steep discount, hurting oil producers in Canada.

Yet the Northern Gateway pipeline -- with a price tag of \$5.5-billion and a length of 1,172 km -- faces many obstacles, in particular environmental objections and concerns about the rights of First Nation indigenous Canadian groups. The extent of these difficulties make it unclear if the project will ever be built.

Another company, Kinder Morgans, has proposed its own alternative: the expansion of the Trans Mountain pipeline to the Pacific, also reaching an oil terminal in British Columbia. But this project also faces obstacles.

Ron Liepert, Alberta energy minister, summarized the views of the government: it would not show any favouritism for any project. But added: "We will support any and all projects that will meet the environmental and regulatory standards that are set out for them, because we need to get our product ... to tidewater."



Mission Statement

The American Legislative Exchange Council's mission is...

To advance the Jeffersonian Principles of free markets, limited government, federalism, and individual liberty through a nonpartisan public-private partnership among America's state legislators, concerned members of the private sector, the federal government, and the general public.

To promote these principles by developing policies that ensure the powers of government are derived from, and assigned to, first the People, then the States, and finally the Federal Government.

To enlist state legislators from all parties and members of the private sector who share ALEC's mission.

To conduct a policy making program that unites members of the public and private sector in a dynamic partnership to support research, policy development, and dissemination activities.

To prepare the next generation of political leadership through educational programs that promote the principles of Jeffersonian democracy, which are necessary for a free society.



American Legislative Exchange Council TASK FORCE OPERATING PROCEDURES

I. MISSION OF TASK FORCES

Assume the primary responsibility for identifying critical issues, developing ALEC policy, and sponsoring educational activities which advance the Jeffersonian principles of free markets, limited government, federalism, and individual liberty. The mission will be accomplished through a non-partisan, public and private partnership between ALEC's legislative and private sector members in the specific subject areas assigned to the Task Force by the Board of Directors.

II. TASK FORCE RESPONSIBILITIES

- A. Task Forces have the primary responsibility for identifying critical issues and developing ALEC's official policy statements and model legislation appropriate to the **specific subject areas** of the Task Force.
- B. Task Forces serve as forums for an exchange of ideas and sharing of experiences between ALEC's state legislator and private sector members.
- C. Task Forces are responsible for developing and sponsoring the following educational activities appropriate to the specific subject area of the Task Force:
 - publications that express policy positions, including, but not limited to State Factors and Action Alerts;
 - educational communication and correspondence campaigns;
 - issue specific briefings, press conferences and press campaigns;
 - witness testimony and the activities of policy response teams;
 - workshops at ALEC's conferences; and
 - specific focus events.
- D. The Executive Director is to develop an **annual budget**, which shall include expenses associated with Task Force meetings and educational activities. A funding mechanism to finance all meetings and educational activities proposed by Task Forces must be available before they can be undertaken.



III. GENERAL PROCEDURES

- A. Requests from ALEC members for policy statements, model legislation and educational activities shall be directed by the Executive Director to the appropriate Task Force, or the Board of Directors if the issue does not fall within the **jurisdiction** of any Task Force. The appropriate Public and Private Sector Task Force Co-Chairs determine the agenda for each Task Force meeting, and the meetings will be called and conducted in accordance with these Operating Procedures.

The Director of Policy with the consent of the Executive Director assigns a model bill or resolution to the most appropriate Task Force based on Task Force content and prior jurisdictional history 35 days before a Task Force Meeting. All Task Force Co-Chairs will be provided an email or fax summary of all **model bills and resolutions 35 days before** the Task Force meeting

If both the Co-Chairs of a Task Force are in agreement that they should have jurisdiction on model legislation or a resolution, the legislation or resolution will be considered by the Task Force. If the other Task Force Co-Chairs believe they should have jurisdiction or if the author of the model bill or resolution does not agree on the jurisdictional assignment of the bill, they will have **10 days after the 35-day mailer deadline** to submit in writing or by electronic appeal to the Director of Policy their intent to challenge the jurisdiction assignment. The Director of Policy will notify the Executive Director who will in turn notify the National Chair and the Private Enterprise Board Chair. The National Chair and the Private Enterprise Board Chair will in turn refer the matter in question to the Board of Directors Task Force Board Committee. The Director of Policy will establish a conference call for the Task Force Board Committee co- chairs, the author, the affected Task Force Co-Chairs and the Director of Policy at a time convenient for all participants.

The Task Force Board Committee Co-Chairs shall listen to the jurisdictional dispute by phone or in person within 10 days of the request. If both Task Force Board Committee Co-Chairs are in agreement that the Director of Policy made an incorrect jurisdictional referral, only then will the model bill or resolution be reassigned to a committee as they specify once agreed upon by the **National Chair and the Private Enterprise Board Chair**. The bill or model resolution is still eligible to be heard in whatever Task Force it is deemed to be assigned to as if submitted to the correct Task Force for the 35-



day mailer. The National Chair and the Private Enterprise Board Chair decision is final on this model bill or resolution.

Joint referral of model legislation and/or resolutions are allowed if all the affected Task Force Co-Chairs agree. All model legislation and resolutions that have been referred to, more than one Task Force must pass the identical language in both Task Forces within two consecutive Task Force meetings. It is at the Task Force Co-Chairs discretion how they will handle the hearings of the model legislation or resolution. Both sets of co-chairs have the ability to call a working group, subcommittee, or simply meet consecutively or concurrently if necessary.

If the Task Force co-chairs both agree to waive jurisdiction, they may do so as long as another Task Force still has jurisdiction.

The National Chair and the Private Sector Board Chair will rely upon the Task Force Board Committee Co-Chairs for advice and recommendations on model legislation or resolutions when no jurisdiction in any of the existing Task Forces in operation can be found. The Task Force Board Committee Co-Chairs will work with the Executive Director and the Director of Policy to identify public and private sector Task Force members (not alternates) from the existing Task Forces should their expertise be of assistance to the Task Force Board Committee in reaching a determination and recommendation for approval by the National Chair and the Private Enterprise Board Chair.

- B. **The National Chair and the Private Sector Board Chair** will rely upon the Task Force Board Committee Co-Chairs for advice and recommendations on model legislation or resolutions when no jurisdiction in any of the existing Task Forces in operation can be found. The Task Force Board Committee Co-Chairs will work with the Executive Director and the Director of Policy to identify public and private sector Task Force members (not alternates) from the existing Task Forces should their expertise be of assistance to the Task Force Board Committee in reaching a determination and recommendation for approval by the National Chair and the Private Enterprise Board Chair.
- C. **The Board of Directors** shall have ultimate authority over Task Force procedures and actions including the authority to create, to merge or to disband Task Forces and to review Task Force actions in accordance with these Operating Procedures. Nothing in these Operating Procedures prohibits the Board of Directors from developing ALEC policy; however, such a practice



should be utilized only in exceptional circumstances. Before the policy is adopted by the Board of Directors, it should be sent to the Public and Private Sector Task Force Co-Chairs under whose jurisdiction the matter falls for review and comment back to the Board of Directors.

- D. The **operating cycle of a Task Force** is two years. A new operating cycle begins on January 1 of each odd numbered year and ends on December 31 of the following even numbered year. Task Force activities shall be planned and budgeted on an annual basis within each two-year operating cycle.
- E. If a Task Force is **unable to develop an operating budget**, the Board of Directors will determine whether to continue the operations of the Task Force. This determination will be made according to: (1) the level of membership on the Task Force, and (2) the need for continued services developed by the Task Force for ALEC.
- F. **The Board of Directors** shall have the authority to allocate limited general support funds to finance the annual operating budget of Task Forces that meet the requirements prescribed in Section III (E). The Executive Director shall determine, and report to the Board of Directors, the amount of general support funds available to underwrite such Task Forces.

IV. MEMBERSHIP AND MEMBER RESPONSIBILITIES

- A. The membership of a Task Force consists of legislators who are members in good standing of ALEC and are duly appointed to the Task Force, in accordance with Section VI (A) and private sector organizations that are full members of ALEC, contribute to the assessment for the Task Force operating budget, and are duly appointed to the Task Force, in accordance with Section VI (B). Private sector organizations that were full members of ALEC and contributed the assessment for the Task Force's operating budget in the previous year, can be appointed to the Task Force for the current year, conditional upon renewal of full ALEC membership and receipt of the current year's assessment for the Task Force operating budget prior to March 31st, unless an alternative date has been approved by the Executive Director.
- B. Each Task Force shall have least two **Co-Chairs**; a Public Sector Task Force Co-Chair and a Private Sector Task Force Co-Chair. The Public Sector Task Force Co-Chair must be a member of the Task Force and appointed in



accordance with Section VI (A). The Private Sector Co-Chair must represent a private sector member of the Task Force and be appointed in accordance with Section VI(B). The Co-Chairs shall be responsible for:

- (1) calling the Task Force and the Executive Committee meetings to order, setting the agenda and co-chairing such meetings;
- (2) appointing and removing legislators and private sector members to and from the Task Force Executive Committee and subcommittees;
- (3) creating subcommittees, and determining each subcommittee's mission, membership limit, voting rules, deadlines, and term of service; and
- (4) selecting Task Force members to provide support for and against Task Force policies during formal Board reviews.

- C. Each Task Force shall have an **Executive Committee** appointed by the Public and Private Sector Task Force Co-Chairs that is appropriate in number to carry out the work product and strategic plan of ALEC and the Task Force. The Executive Committee shall consist of the Public Sector Task Force Co-chair, the Private Sector Task Force Co-Chair, the subcommittee co-chairs, and the remainder will be an equal number of legislative and private sector Task Force members. The Executive Committee will be responsible for determining the operating budget and proposing plans, programs and budgets for the succeeding year in accordance with (Section V (B)); determining if a proposed educational activity conforms to a previously approved model bill, resolution or policy statement in accordance with (Section IX (F)); and determining if an emergency situation exists that justifies waiving or reducing appropriate time limits in accordance with (Section VIII (H)).
- D. Each Task Force may have any number of **subcommittees**, consisting of Task Force members and advisors to focus on specific areas and issues and make policy recommendations to the Task Force. The Task Force Co-chairs, shall create subcommittees and determine each subcommittee's mission, membership limit, voting rules, deadlines, and term of service. Any model bill, resolution or policy statement approved by a subcommittee must be approved by the Task Force before it can be considered official ALEC policy.
- E. Each Task Force may have advisors, appointed in accordance with Section VI (G). **Advisors** shall assist the members and staff of the Task Force. They shall be identified as advisors on official Task Force rosters, included in all official



Task Force mailings and invited to all Task Force meetings. Advisors may also have their expenses paid at Task Force meetings covered by the Task Force operating budget with the approval of the Task Force Co-Chairs. An advisor cannot be designated as the primary contact of a private sector Task Force member, cannot be designated to represent a private sector Task Force member at a Task Force, Executive Committee, or subcommittee meeting, and cannot offer or vote on any motion at a Task Force, Executive Committee, or subcommittee meeting.

V. Task Force Budgets

- A. Each Task Force shall develop and operate a yearly budget to fund meetings.
- B. The **operating budget** shall be used primarily to cover expenses for Task Force meetings, unless specific funds within the budget are authorized for other use by the Task Force. The operating budget shall be assessed equally among the private sector members of the Task Force. The Executive Director, in consultation with the Task Force Co-Chairs shall determine which costs associated with each meeting will be reimbursed from the operating budget. Any funds remaining in a Task Force's operating budget at the end of a year are transferred to ALEC's general membership account.
- C. The operating budget shall not be used to cover Task Force meeting expenses associated with **alternate task force members'** participation, unless they are appointed by their State Chair to attend the Spring Task Force Summit with the purpose to serve in place of a Task Force Member who is unable to attend. Task Force meeting expenses of alternate task force members shall be covered by their state's scholarship account.
- D. The **programming budget** shall be used to cover costs associated with educational activities. Contributions to the programming budget are separate, and in addition to operating budget contributions and annual general support/membership contributions to ALEC. The Executive Director shall determine the contribution required for each educational activity.

VI. PROCESS FOR SELECTING TASK FORCE MEMBERS, CHAIRS, COMMITTEES AND ADVISORS



- A. Prior to February 1 of each odd-numbered year, the current and immediate past National chairman will jointly select and appoint in writing **three legislative members and three alternates to the Task Force** who will serve for the current operating cycle, after receiving nominations from ALEC's Public and Private State Chairs, the Executive Director and the ALEC Public and Private Sector members of the Board. At any time during the year, the National Chairman may appoint in writing new legislator members to each Task Force, except that no more than three legislators from each state may serve as members of any Task Force, no legislator may serve on more than one Task Force and the **appointment cannot be made earlier than thirty days** after the new member has been nominated. In an effort to ensure the nonpartisan nature of each Task Force, it is recommended that no more than two legislators of any one political party from the same state be appointed to serve as members of any Task Force. A preference will be given to those ALEC legislator members who serve on or chair the respective Committee in their state legislature. A preference will be given to legislators who sponsor ALEC Task Force model legislation in the state legislature.
- B. Prior to January 10 of each odd-numbered year, the current and immediate past National Chairman will jointly select and appoint in writing **the Task Force Chair** who will serve for the current operating cycle, after receiving nominations from the Task Force. Nominations will be requested by the outgoing Task Force Chair and may be placed in rank order prior to transmittal to the Executive Director no later than December 1 of each even-numbered year. No more than five names may be submitted in nomination by the outgoing Task Force chair. The current and immediate past National Chairmen will jointly make the final selection, but should give strong weight to the recommendations of the outgoing Task Force Chair. In an effort to empower as many ALEC leaders as possible, State Chairs and members of the Board of Directors will not be selected as Task Force Chairs. Task Force Chairs shall serve for one operating cycle term. Where special circumstances warrant, the current and immediate past National Chairmen may reappoint a Task Force Chair to a second operating cycle term.
- C. Prior to February 1 of each odd numbered year, the Public and Private Sector Task Force Co-Chairs will select and appoint in writing the legislative and private sector members of the **Task Force Executive Committee**, who will serve for the current operating cycle. The Public and Private Sector Task Force Co-Chairs will select and appoint in writing the legislative and private sector members and advisors to any subcommittee.



- D. Prior to February 1 of each year, the Private Enterprise Board Chair and the immediate past Private Enterprise Board Chair will select and appoint in writing the private sector members to the Task Force who will serve for the current year. The appointment letter shall be mailed to the individual designated as the primary contact for the private sector entity. At any time during the year, the Chair of the Private Enterprise Board may appoint in writing **new private sector members** to each Task Force, but no earlier than thirty days after the new member has qualified for full membership in ALEC and contributed the assessment for the appropriate Task Force's operating budget.
- E. Prior to January 10 of each odd-numbered year, the Chair of the Private Enterprise Board and the immediate past Private Enterprise Board Chair will select and appoint in writing the **Task Force Private Sector Co-Chair** who will serve for the current operating cycle, after receiving nominations from the Task Force. Nominations will be requested by the outgoing Task Force Private Sector Chair and may be placed in rank order prior to transmittal to the Chair of the Private Enterprise Board. The Chair and the immediate past Chair of the Private Enterprise Board will make the final selection, but should give strong weight to the recommendations of the outgoing Private Sector Task Force Co-Chair. In an effort to empower as many ALEC private sector members as possible, Private Enterprise State Chairs and members of the Private Enterprise Board will not be selected as Private Sector Task Force Co-Chairs. Private Sector Task Force Co-Chairs shall serve for one operating cycle term. Where special circumstances warrant, the current and immediate past Chair of the Private Enterprise Board may reappoint a Task Force Private Sector Chair to a second operating cycle term.
- F. Prior to February 1 of each odd-numbered year, the Task Force Private Sector Co-Chair will select and appoint in writing the **private sector members of the Task Force Executive Committee**, who will serve for the current operating cycle. The Task Force Private Sector Co-Chair shall select and appoint in writing the private sector members of any subcommittees.
- G. The Public and Private Sector Task Force Co-Chairs, may jointly appoint subject matter experts to serve as **advisors** to the Task Force. The National Chair and the Private Enterprise Board Chair may also jointly recommend to the Task Force Co-Chairs subject matter experts to serve as advisors to the Task Force.



VII. REMOVAL AND VACANCIES

- A. The National Chair may remove any Public Sector **Task Force Co-Chair** from his position and any legislative member from a Task Force with or without cause. Such action will not be taken except upon thirty days written notice to such Chair or member whose removal is proposed. For purposes of this subsection, cause may include failure to attend two consecutive Task Force meetings.
- B. The Public Sector Task Force Co-Chair may remove any legislative member of an **Executive Committee or subcommittee** from his position with or without cause. Such action shall not be taken except upon thirty days written notice to such member whose removal is proposed. For purposes of this subsection, cause may include failure to attend two consecutive meetings.
- C. The Chairman of the Private Enterprise Board may remove **any Private Sector Task Force Co-Chair** from his position and any private sector member from a Task Force with cause. Such action shall not be taken except upon thirty days written notice to such Chair or member whose removal is proposed. For purposes of this subsection, cause may include but is not limited to the non-payment of ALEC General Membership dues and the Task Force dues. .
- D. The Private Sector Task Force Co-Chair may remove any **private sector member of an Executive Committee or subcommittee** from his position with cause. Such action shall not be taken except upon thirty days written notice to such member whose removal is proposed. For purposes of this subsection, cause may include but is not limited to the non-payment of ALEC General Membership dues and the Task Force dues.
- E. The Public and Private Sector Task Force Co-Chairs may remove an **advisor** from his position with or without cause. Such action shall not be taken except upon thirty days written notice to such advisor whose removal is proposed.
- F. Any member or advisor may **resign** from his position as Public Sector Task Force Co-Chair, Private Sector Task Force Co-Chair, public or private sector Task Force member, Task Force advisor, Executive Committee member or subcommittee member at any time by writing a letter to that effect to the Public Sector and Private Sector Task Force Co-Chairs. The letter should specify the



effective date of the resignation, and if none is specified, the effective date shall be the date on which the letter is received by the Public and Private Task Force Co-Chairs.

- G. All **vacancies** for Public Sector Task Force Co-Chair, Private Sector Task Force Co-Chair, Executive Committee member and subcommittee member shall be filled in the same manner in which selections are made under Section VI. All vacancies to these positions must be filled within thirty days of the effective date of the vacancy.

VIII. MEETINGS

- A. **Task Force meetings** shall only be called by the joint action of the Public and Private Sector Task Force Co-Chairs. Task Force meetings cannot be held any earlier than thirty-five days after being called, unless an emergency situation has been declared pursuant to Section VIII (H), in which case Task Force meetings cannot be held any earlier than ten days after being called. It is recommended that, at least once a year, the Task Forces convene in a common location for a joint Task Force Summit. **Executive Committee meetings** shall only be called by the joint action of the Public and Private Sector Task Force Co-Chairs and cannot be held any earlier than three days after being called, unless the Executive Committee waives this requirement by unanimous consent.
- B. **At least forty-five days** prior to a task force meeting any model bill, resolution or policy must be submitted to ALEC staff that will be voted on at the meeting. At least thirty-five days prior to a Task Force meeting, ALEC staff shall distribute copies of any model bill, resolution or policy statement that will be voted on at that meeting. This requirement does not prohibit modification or **amendment** of a model bill, resolution or policy statement at the meeting. This requirement may be waived if an emergency situation has been declared pursuant to Section VIII(H).
- C. **All Task Force meetings are open** to registered attendees and invited guests of ALEC meetings and conferences. Only regular Task Force Members may introduce any resolution, policy statement or model bill. Only Task Force members will be allowed to participate in the Task Force meeting discussions



and be seated at the table during Task Force meetings, unless otherwise permitted by the Public and Private Sector Task Force Co-Chairs.

- D. ALEC private sector member organizations may only be represented at Task Force and Executive Committee meetings by the individual addressed in the **appointment letter** sent pursuant to Section VI (D) or a designee of the private sector member. If someone other than the individual addressed in the appointment letter is designated to represent the private sector member, the designation must be submitted in writing to the Public and Private Sector Task Force Co-Chairs before the meeting, and the individual cannot represent any other private sector member at the meeting.
- E. All Task Force and Executive Committee meetings shall be conducted under the guidelines of **Roberts Rules of Order**, except as otherwise provided in these Operating Procedures. A copy of the Task Force Operating Procedures shall be included in the briefing packages sent to the Task Force members prior to each meeting.
- F. A majority vote of legislative members present and voting and a majority vote of the private sector members present and voting, polled separately, are required to approve any motion offered at a Task Force or Executive Committee meeting. A **vote** on a motion to reconsider would be only with the sector that made the motion. Members have the right, in a voice vote, to abstain and to vote present by roll-call vote. In all votes a member can change their vote up until the time that the result of the vote is announced. Only duly appointed members or their designee as stated in Section VIII (D) that are present at the meeting may vote on each motion. **No proxy, absentee or advance voting is allowed.**
- G. The Public Sector Task Force Co-Chair and the Private Sector Task Force Co-Chair, with the concurrence of a majority of the Executive Committee, polled in accordance with Section VIII (F), may schedule a **Task Force vote by mail or any form of electronic communication** on any action pertaining to policy statements, model legislation or educational activity. The deadline for the receipt of votes can be no earlier than thirty-five days after notification of the vote is mailed or notified by any form of electronic communication, unless an emergency situation is declared pursuant to Section VIII (H), in which case the deadline can be no earlier than ten days after notification is mailed or notified by any form of electronic communication. Such votes are exempt from all rules in Section VIII, except: (1) the requirement that copies of model legislation and



policy statements be mailed or notified by any form of electronic communication with the notification of the vote and (2) the requirement that a majority of legislative members voting and a majority of the private sector members voting, polled separately, is required to approve any action by a Task Force.

- H. For purposes of Sections VIII(A), (B) and (G), an **emergency situation** can be declared by:
 - (1) Unanimous vote of all members of the Task Force Executive Committee present at an Executive Committee meeting prior to the meeting at which the Task Force votes on the model bill, resolution or policy statement; or
 - (2) At least three-fourth majority vote of the legislative and private sector Task Force members (voting in accordance with Section VIII (F)) present at the meeting at which the members vote on the model bill, resolution or policy statement.
- I. Ten Task Force members shall **constitute a quorum** for a Task Force meeting. One-half of the legislative and one-half of the private sector members of an Executive Committee shall constitute a quorum for an Executive Committee meeting.

IX. ***REVIEW AND ADOPTION PROCEDURES***

- A. All Task Force policy statements, model bills or resolutions shall become **ALEC policy** either: (1) upon adoption by the Task Force and affirmation by the Board of Directors or (2) thirty days after adoption by the Task Force if no member of the Board of Directors requests, within those thirty days, **a formal review by the Board of Directors**. General information about the adoption of a policy position may be announced upon adoption by the Task Force.
- B. The Executive Director shall notify the Board of Directors of the approval by a Task Force of any policy statement, model bill or resolution within ten days of such approval. Members of the Board of Directors shall have thirty days from the date of Task Force approval to review any new policy statement, model bill or resolution prior to adoption as official ALEC policy. Within those thirty days, any member of the Board of Directors may request that the policy be



formally reviewed by the Board of Directors before the policy is adopted as official ALEC policy.

- C. A member of the Board of Directors may request a formal review by the Board of Directors. The **request must be in writing** and must state the cause for such action and a copy of the letter requesting the review shall be sent by the National Chairman to the appropriate Task Force Chair. The National Chairman shall schedule a formal review by the Board of Directors no later than the next scheduled Board of Directors meeting.
- D. The review process will **consist of key members of the Task Force**, appointed by the Task Force Chair, providing the support for and opposition to the Task Force position. Position papers may be faxed or otherwise quickly transmitted to the members of the Board of Directors. The following is the review and adoption procedures:
 - **Notification of Committee:** Staff will notify Task Force Chairs and the entire task force when the Board requests to review one of the Task Forces' model bills or resolutions.
 - **Staff Analysis:** Will be prepared in a neutral fashion. The analyses will include:
 - History of Task Force action
 - Previous ALEC official action/resolutions
 - Issue before the board
 - Proponents arguments
 - Opponents arguments
 - **Standardized Review Format:** To ensure fairness, a set procedure will be used as the format to ensure the model bill/resolution has a fair hearing before the Board.
 - Task Force Chair(s) will be invited to attend the Board Review
 - Task Force Chair(s) will decide who will present in support and in opposition for the model bill/resolution before the Board.
 - Twenty minutes that is equally divided will be given for both sides to present before the Board.
 - It is suggested that the Board not take more than twenty minutes to ask questions of the presenters.
 - Presenters will then be excused and the Board will have a suggested twenty more minutes for discussion and vote.



- All votes will be recorded for the official record.
 - **Notification of Committee:** The Director of Policy will notify presenters immediately after the vote. If the Board votes to send the model bill/resolution back to the task force, the Board will instruct the Director of Policy or another board member what to communicate.
- E. **The Board of Directors can:**
- (1) Vote to affirm the policy or affirm the policy by taking no action,
 or
 - (2) Vote to disapprove the policy, or
 - (3) Vote to return the policy to the Task Force for further consideration
 providing reasons therefore.
- F. Task Forces may only undertake educational activities that are based on a policy statement, model bill or resolution that has been adopted as official ALEC policy, unless the Task Force votes to undertake the educational activity, in which case the educational activity is subjected to the same review process outlined in this Section. It is the responsibility of the Task Force Executive Committee to affirm by three-fourths majority vote conducted in accordance with Section VIII that an educational activity conforms to a policy statement, model bill or resolution.

X. EXCEPTIONS TO THE TASK FORCE OPERATING PROCEDURES.

Exceptions to these Task Force Operating Procedures must be approved by the Board of Directors.